

## **INITIAL STATEMENT OF REASONS**

### **Lake County Scenic Corridor Rules, 2000**

#### **Title 14 of the California Code of Regulations (14 CCR):**

##### **Adopt:**

§ 945	<u>Lake County Rules</u>
§ 945.1	<u>Statement of Purpose</u>
§ 945.2	<u>Definitions</u>
§ 945.3	<u>Timber Harvest Prescriptions</u>
§ 945.4	<u>Hours of Operation</u>
§ 945.5	<u>Exemption and Emergency Notice Operations</u>

Existing Forest Practice Rules provide a broad range of alternative practices that may be considered in development of a timber harvesting proposal. Lake County developed the Scenic Combining District as a zone within the Lake County General Plan, which provides for the identification of areas adjacent to public roads that have important aesthetic values. In January 2000, Lake County adopted an ordinance prohibiting timber operations on lands within the Scenic Combining District that are not zoned Timber Production Zone (TPZ). The County is proposing that the Board of Forestry and Fire Protection adopt regulations that provide limitations to timber operations consistent with the original intent of designation of the Scenic Combining District.

The rural population in Lake County is increasing. Recreation is a primary economic consideration within the County. Many of these newer residents believe that timber harvesting is incompatible with the rural values they believe attract tourists to the area and have expressed this concern to County officials.

It is the intent of the County of Lake to recognize and protect the regional attributes unique to its jurisdiction. Also, the County recognizes its regional economic viability in a wide array of land uses including timber production, agriculture, tourism and urbanization. Additionally, the County further recognizes the inherent conflicts that may arise from these divergent land use patterns and proposes these rules as a means to address, in part, those conflicts.

Recently, the County of Lake amended its General Plan and zoning ordinance to expand the protections afforded to areas designated as scenic corridors. Those protections currently prohibit timber harvest on non-TPZ lands zoned within the Scenic Combining District. In order to provide timberland owners with the ability to apply limited timber harvesting operations within these zones, the County of Lake is proposing rules to address these circumstances that are unique to the County.

The Board of Supervisors for the County of Lake adopted Resolution 2000-03 on January 25, 2000, adopting an amendment to the Lake County General Plan (GPA 00-01) including a subpart concerning timber harvesting with the Scenic Combining District. The General Plan Text Amendment states: “Policy: 1.9. Timber operations and or timber harvesting should not take place along Scenic Highways. It is not the intent to prohibit the removal from private lands dangerous, dying and diseased trees, nor is it the intent to limit the removal of trees necessary for the construction of residential structures. It is specifically intended that this policy not apply to Timber Preserve Zone districts.”

It is the intent of the County of Lake to allow limited timber harvest activities within the areas of the County identified and zoned under the Scenic Corridor Combining District. As defined in PRC § 4516.5, a county may recommend to the California Board of Forestry additional rules and regulations for the content of timber harvesting plans and the conduct of timber operations to take account of local needs. These proposed rules were adopted by the Board of Supervisors on April 4, 2000. Pursuant to PRC § 4516.5(b), the Board of Forestry and Fire Protection (Board) shall, within 180 days after receiving recommended rules from a county, adopt rules consistent with the recommendation if they are both of the following:

1. Consistent with the intent and purpose of the Forest Practice Act.
2. Necessary to protect needs and conditions of the county.

The PRC § 4553 authorizes the Board to review and revise regulations. The problem that the rule changes are intended to address, as well as the specific necessity and purpose of each of the proposed regulatory actions, is discussed below primarily using information submitted by the County of Lake. Where the *Initial Statement of Reasons* references attachments or other information, this information is available in the complete rulemaking file and available for public inspection upon request to the Contact Person listed in the *45-Day Notice*.

## **§ 945**

### **Lake County Rules**

#### **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

The current Northern Forest District Forest Practice Rules do not include special county rules. If the Board chooses to adopt the rule changes proposed by the County of Lake, the Forest Practice Rules would not clearly indicate that such special rules existed, nor that they only pertained to the Northern Forest District and specifically to Lake County.

## **SPECIFIC PURPOSE OF THE REGULATION**

The proposed changes to the Forest Practice Rules under this section are intended to make the new sections, if adopted by the Board, consistent with other rule sections pertaining to areas with special county rules. The rules under this section are also intended to clearly state where the rules would apply, if adopted.

## **NECESSITY**

This section of the rules is needed to ensure regulatory consistency with other sections of the Forest Practice Rules. It is also necessary to ensure that all affected persons are aware of what areas of the State are affected by the rules.

### **§ 945.1      Statement of Purpose**

#### **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

The current Northern Forest District Forest Practice Rules do not include special county rules. If the Board chooses to adopt the rule changes proposed by the County of Lake, the Forest Practice Rules would not clearly indicate the Board's intent in adopting the regulations, nor the intended purpose.

## **SPECIFIC PURPOSE OF THE REGULATION**

The changes under this section of the rules is intended to provide a clear statement to all affected persons regarding the purpose of establishing special county rules for Lake County.

## **NECESSITY**

The County believes that the changes under this section are necessary to provide all affected persons with a basic understanding of the intended purpose that the special county rules address.

### **§ 945.2      Definitions**

#### **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

Existing Forest practice Rules do not include any description of the term "Scenic Combining District".

## **SPECIFIC PURPOSE OF THE REGULATION**

The proposed rule is intended to describe the Scenic Combining District in a manner that is understandable to all persons considering timber harvesting in those affected areas. The changes are also intended to clearly indicate that the Scenic Combining District is administered by Lake County.

The definition is also intended to provide guidance in determining the zone width on the ground.

## **NECESSITY**

The proposed rules utilize a term that may be unfamiliar to foresters and operators, as well as affected landowners. The changes proposed under this section are necessary to clearly define the term and its applicability on the ground.

### **§ 945.3**

### **Timber Harvest Prescriptions**

## **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

Existing Forest Practice Rules provide a broad range of alternative practices that may be considered in development of a timber harvesting proposal. Lake County developed the Scenic Combining District as a zone within the Lake County General Plan, which provides for the identification of areas adjacent to public roads that have important aesthetic values. In January 2000, Lake County adopted an ordinance prohibiting timber operations on lands within the Scenic Combining District that are not zoned Timber Production Zone (TPZ). The County is proposing that the Board of Forestry and Fire Protection adopt regulations that provide limitations to timber operations consistent with the original intent of designation of the Scenic Combining District.

Current rules provide a list of various silvicultural methods and associated stocking requirements that may be used in timber harvesting. These include both even-age and uneven-age methods. There are no specific limitations to removal of hardwoods other than within watercourse and lake protection zones. There are no specific rules addressing visual screening of logging roads. Reentry on a parcel after harvesting, with the exception of areas adjacent to clear cuts, can be done at any time.

The rural population in Lake County is increasing. Recreation is a primary economic consideration within the County. Many of these newer residents believe that timber harvesting is incompatible with the rural values they believe attract tourists to the area and have expressed this concern to County officials.

## **SPECIFIC PURPOSE OF THE REGULATION**

The proposed rule establishes that the selection method of harvesting, an uneven-age silvicultural method, is the only method that may be used in the Scenic Combining District. The rule excludes the use of the group selection method. The rule also provides that logging roads, skid trails, and landings must be screened to the extent feasible to maintain aesthetic values. A minimum of 25% of the preharvest hardwood stand must be retained, again for aesthetic values. The rule also provides that, with certain exceptions, there can be no harvest in the same area for at least ten years following completion of operations in an area.

It is the intent of the County of Lake to recognize and protect the regional attributes unique to its jurisdiction, its regional economic viability in a wide array of land uses including timber production, agriculture, tourism and urbanization, and the inherent conflicts that may arise from these divergent land use patterns. The intent of the rule changes is to address, in part, those conflicts.

## **NECESSITY**

These limitations are necessary to maintain, within the Scenic Combining District, a forest cover on those areas that are presently forested and are subject to timber harvesting.

### **§ 945.4**

### **Hours of Operation**

## **PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS**

Current rules provide no limitations on time of day, or on what days timber operations may proceed within the affected areas.

## **SPECIFIC PURPOSE OF THE REGULATION**

This rule is intended to limit timber operations, when using power equipment, within 300 feet of a dwelling to the hours between 7:00 a.m. and 7:00 p.m. It is also intended to limit such operations on Saturdays, Sundays, and on nationally recognized holidays, with some exceptions.

## **NECESSITY**

The rule is necessary to address the problems associated with the urban interface in which timber harvesting activities can be disruptive of the quality of life for individuals residing or recreating in or near the Scenic Combining District.

§ **945.5**

**Exempt and Emergency Notice Operations**

**PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER  
CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO  
ADDRESS**

Current rules provide for timber operations that are exempt from the necessity to file a Timber Harvesting Plan if those operations conform to certain standards. The nature of these operations is limited by certain standards to assure no significant impact on the environment. Emergency Notice operations are provided in current rules to allow rapid response to situations that require immediate removal of timber to avoid waste or loss. The proposed rules would exclude the use of such land management tools if this proposed section were not also adopted.

**SPECIFIC PURPOSE OF THE REGULATION**

The proposed rule is intended to provide for the continued use of Exemptions and Emergency Notices. It is intended that such operations take into consideration the limitations of the county rules affecting silvicultural method, road screening, hardwood retention, and hours of operation, when such considerations are feasible.

**NECESSITY**

Emergency timber removal is typically necessary after wildfire, insect infestations, or other natural disasters. Conversion exemptions are typically necessary for clearing a forested area for home construction or other minor area land use change. This change in the rules is necessary to allow such management options.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR  
DOCUMENTS**

The Board relied on the following technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation as referenced in this *Statement of Reasons*:

1. *Public Resources Code §§ 4516.5, 4551, and 4553 et seq.*
2. *Barclays California Code of Regulations.*
3. April 4, 2000, *ad hoc* Timber Harvest Committee Report to Lake County Board of Supervisors.
4. Lake County Scenic Combining District regulations from the Lake County General Plan

5. Lake County 1981 General Plan Scenic Highways Element and Amendment.
6. Example of Scenic Combining District map.
7. Draft rules from Lake County.

The Board did not rely on any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

#### **ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives were presented to, or considered by the Board at this time.

#### **ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

#### **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

Currently, the present prohibition of timber harvest within the Scenic Corridor Combining Districts enhances many of the non-timber associated values important to Lake County but limits the County's ability to collect revenues generated through timber harvest. In an attempt to balance local needs the County's proposed rule package is intended to protect and address both timber and non-timber resources. Projected costs anticipated from the proposed rules together with their mitigations are:

- a) The RPF or his/her designee will be required to identify the location and extent of scenic corridors (on lands proposed for timber harvest) and include a map identifying the scenic corridor as part of the THP. This will require a consultation with the County of Lake Community Development Department. Depending on the size of the project, the size of the affected area, and the extent of proposed operations within the affected area, costs for such additional work could range between \$50.00 and \$200.00 based upon a rate of approximately \$50.00 per hour for professional services.
- b) The RPF or his/her designee will be required to identify and mark all trees subject to timber harvest located within the scenic corridor. Given the limited number of trees to be marked, associated marking costs are anticipated to be minimal. Depending on the size of the project, the size of the affected area, and the extent of proposed operations within the affected area, costs for such additional work could range between \$50.00 and \$500.00 based upon a rate of approximately \$50.00 per hour for professional services

c) The County of Lake has previously identified lands currently zoned under the Scenic Corridor Combining District. Consequently, anticipated costs to the County to provide the information to an RPF are already provided in the County's operating budget.

There may be minor increases in costs associated with the limitations on operating hours due to a minor increase in the amount of time equipment may have to spend on a given timber operation.

The area affected by the regulation is relatively small. The County has approximately 200,000 acres of timberland. Of the approximately 50,000 acres zoned Scenic Combining District, approximately 1/2 of this area is currently forested. Under the current county restrictions, only 5,000 acres within the Scenic Combining District would be available for timber harvesting. Timber harvesting is currently prohibited on the remaining 20,000 acres of forested land. If the proposed rules are adopted, the County would allow harvesting throughout the Scenic Combining District.

The Board staff estimates that no more than 5000 acres would likely be harvested in any 10-year period within the Scenic Combining District. At an average cost of \$350.00 (based upon figures above), additional costs could amount to \$1,750,000.00 over a ten-year period, and would not likely exceed \$7,000,000.00 over the life of the rules.

The Board staff estimates that forested lands within the Scenic Combining District support timber stands with various degrees of stocking levels. The Board staff estimates that these levels range from 10,000 to 20,000 board feet per acre. It is further estimated that the proposed rules would allow for the harvest of approximately 6,000 board feet per acre from these areas over the lifetime of the regulation. It has been further estimated that prices for lumber from the various species that could be harvest from this area vary from \$350.00 to \$550.00 per thousand board feet. Therefore, a benefit could result from the adoption of the rules through the availability of additional area for timber harvesting. This could amount to a benefit of \$66,000,000.00 over the lifetime of the rule.

There are no direct or indirect costs or benefits projected for any businesses not directly associated with the timber harvest being generated through the application of these rules.

## **POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS**

The Board has not identified any adverse environmental effects from the proposed action.



**Pursuant to Government Code § 11346.2(b)(6)**: In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

## **PROPOSED TEXT**

The proposed additions to the existing rule language are represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations.

doh: 5-16-2000  
File: ISOR.doc